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ATLANTA GA 30309-3915

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**MAR 29 2004**

**OFFICE OF PETITIONS**

In re Application of	:	
Stephen J. Pratt	:	
Application No. 09/923,978	:	DECISION ON PETITION
Filed: August 7, 2001	:	UNDER 37 C.F.R. §1.137(F)
Attorney Docket Number: 13215.0019U1	:	
Title: MULTI-BAND TRANCEIVERS WITH	:	
REDUCED FREQUENCY SOURCES FOR	:	
DIGITAL TRANSMISSIONS	:	

This is a decision on the petition filed February 23, 2004, pursuant to 37 C.F.R. §1.137(f)<sup>1</sup>, to revive the above-identified application.

A grantable petition pursuant to 37 CFR 1.137(f) must be accompanied by:

- (1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication<sup>2</sup>;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
- (3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Petitioner states that the instant nonprovisional application is the subject of an application filed in either a foreign or an international application on August 5, 2002. However, the United States Patent and Trademark Office was unintentionally not notified of this filing within 45 days

<sup>1</sup> The decision on the original erroneously identified the original petition as being filed under 37 C.F.R. §1.137(b).

<sup>2</sup> See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at <http://www.uspto.gov/web/forms/index.html>.

subsequent to the filing of the subject application in either an international application or a foreign country.

Unfortunately, a Notice of Rescission of Nonpublication Request has not been filed with the Office. As such, Petitioner has not rescinded the previous nonpublication request.

Accordingly, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(f)."

On renewed petition, Petitioner should submit a Notice of Rescission of Nonpublication Request. A form which Petitioner might find useful may be found at <http://www.uspto.gov/web/forms/sb0036.pdf>

The reply to this letter may be submitted by mail<sup>3</sup>, hand-delivery<sup>4</sup>, or facsimile<sup>5</sup>.

The reply should display "Please deliver to Paul Shanowski, c/o Office of Petitions" in a prominent manner. The Petitioner may wish to consider telephoning the undersigned at the number provided below to confirm that the documents were delivered to the undersigned. Please note that the delivery process within the PTO can take as much as three weeks.

**The application file will be retained in the Office of Petitions for two (2) months.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.



Paul Shanowski  
Attorney  
Office of Petitions  
United States Patent and Trademark Office

<sup>3</sup> Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

<sup>4</sup> Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

<sup>5</sup> (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned.